

Call to Order:

The meeting was called to order at 7:36 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Joan Duff, John McDonnell (arrived at 7:43 p.m.), and associate member Mark Yanowitz; also present were Paul Materazzo, Director of Planning, and Lisa Schwarz, Senior Planner.

Faith Lutheran Church:

The Board opened the discussion that was continued from the Jan 12th meeting on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street. On a motion by Ms. Anderson, seconded by Ms Duff, the Board voted to continue the discussion on an application by Faith Lutheran Church of Andover, Inc. for a Site Plan Review for the construction of an addition to the existing facility located at 360 South Main Street without discussion until March 30, 2010 at 8:00 pm. **Vote** Unanimous (5-0)

60-62 Essex Street:

The Board opened the deliberations on an application by Miami Stuart Realty, LLC, for a Special Permit for a Planned Development Multi-family or Mixed Use located at 60-62 Essex Street. Ms. Schwarz reviewed her memo to the Board dated February 22, 2010 which included an overview of the project, the special permit criteria, and how the project meets those criteria. The Board reviewed the Zoning By-law, the drainage, the porous pavement and the driveway requirements. The Board reviewed the conditions outlined in Ms. Schwarz's memo to the Board dated February 22, 2010 and suggested the following changes:

On page 2 add language from section 7.2.5.2d. and section 5.1.1. off street parking and add new condition # 16 with similar language;

Condition # 19 add "or its designated agent" after "Planning Board" in both cases;

Condition # 20 to add "if any" after the words "deed rider";

Condition # 21 delete last sentence; and part of the first sentence

Condition # 22 delete language in the condition and add language referencing Zoning By-law Section 9.4.7.

The Board was in consensus to continue the deliberations at the end of the meeting.

Warrant Articles P-44, P-45, & P-46:

The Board opened the public hearings for Warrant Articles:

Article P-44 to Amend the Zoning by-law Section 2.2 Overlay Districts by adding a new section 2.2 Andover Smart Growth Overlay District.

Article P-45 to Amend the Zoning bylaw section 8.0 Special District Regulations by adding a new section 8.7 Andover Smart Growth Overlay District consisting of 24.33 acres in the vicinity of North Main, Pearson, Essex and Railroad Streets.

Article P-46 to Amend the Zoning By-law section 2.3 (District Boundaries) and make to appropriate changes to the zoning maps of Andover Mass., to depict the Andover Smart Growth Overlay District.

Ken Buckland of Cecil Group, the consultant for the Town Yard Task Force, gave an overview of the 40R program which included a PowerPoint Presentation on housing incentives (money from the state), the rezoning process, and the application the Task Force submitted to DHCD. Mr. Buckland also reviewed the Smart Growth Overlay District by-law Article P-44 and

Warrant Articles P-44, P-45, & P-46 (cont.):

reviewed permitted uses, density, and affordability component of 20%. Mr. Buckland continued the PowerPoint Presentation on the Design Standards Guidelines which included the height allowance for the buildings, standards for access/driveways, pedestrian/bike connections, and improvements to Essex, Pearson and Railroad Streets. He also discussed the architectural standards, waiver provision, and the façade/streetscape standards. The Board discussed the streetscape standards, and established guidelines. Mr. McDonnell questioned the guidelines and thought this area would be permit ready. Mr. Buckland noted it is as-of-right but they want to give a developer as much information as possible. Mr. Materazzo noted they are only guidelines. Mr. Chiozzi noted that he thought the density could be greater and the buildings higher. Ms. Duff gave an overview of the meetings she attended and what the residents would like to see in that area. Mr. McDonnell expressed concern that the design standards are too stringent.

Attorney Adam Costas, working with the Task Force, noted that the Design Standards are written in terms of “should,” “shall” or “may.” Some Board members expressed concern with the clarity of the design standards in the presentation. Steve Fink, of 26 Bateson Drive, noted that this is a once in a century opportunity for the town and noted that the visual presentation on the design standards was confusing. The Board discussed the presentation for town meeting, the bonus incentives and the difference between a 40R and 40B. Mr. Costas reviewed the affordability standards for a 40B project and the 40R standards, and he noted that the Board should wait for comments from DHCD before voting. On a motion by Ms. Anderson seconded, by Mr.

McDonnell, the Board voted to continue the public hearing for

Warrant Article Article P-44 to Amend the Zoning by-law Section 2.2 Overlay Districts by adding a new section 2.2 Andover Smart Growth Overlay District and to continue the public hearing for Article P-45 to Amend the Zoning bylaw section 8.0 Special District Regulations by adding a new section 8.7 Andover Smart Growth Overlay District consisting of 24.33 acres in the vicinity of North Main, Pearson, Essex and Railroad Streets.

The Board voted to support Article P-46 to Amend the Zoning By-law section 2.3 (District Boundaries) and make to appropriate changes to the zoning maps of Andover Mass., to depict the Andover Smart Growth Overlay District until March 9th at 7:30 p.m. **Vote** Unanimous (5-0)

Warrant Article P-17:

The Board opened discussion that was continued from the Feb. 9th meeting on Warrant Article P-17 to see if the Town will vote to appropriate the sum of \$480,000 for the acquisition of land near Foster Pond as shown on Assessors Map 123, Parcels 26 and 27. Alix Driscoll, representing the Conservation Commission, gave an overview of the parcels the Commission wants to buy, including the access and location. The Board reviewed Robert Douglas’s memo to the Board dated February 18, 2010. The Board also discussed the location, access and whether the property has been assessed. Ms. Driscoll noted the appraisal has not been done yet. Mr. Materazzo noted that no permits have been applied for but, in the past, access has been a problem for this site. Ms. Anderson described the existing roadway known as Willard Circle and noted residents have to go into Wilmington to access their property. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted conditional approval of warrant article P-17. The Board feels the 2 parcels are an appropriate acquisition from a planning standpoint but they will leave the determination of value of the parcels up to the Selectmen and Finance Committee. **Vote** Unanimous (5-0)

60-62 Essex Street:

The Board continued the deliberations on an application by Miami Stuart Realty, LLC, for a Special Permit for a Planned Development Multi-family or Mixed Use located at 60-62 Essex Street. Ms. Schwarz reviewed the revised conditions as listed below:

On pg.2 # 2 shall read: The Planning Board in accordance with Section 7.2.5.2d. of the Andover Zoning by-law where as “the Planning Board, in its discretion, may allow alternative dimensional design for parking spaces and parking aisles if the Board finds that the design satisfies the objectives” of Section 5.1.1 Off Street Parking the Purpose Section.

Condition # 16 shall read: The Planning Board determined that the proposed plan showing an 18’ access and egress width meets the criteria of Section 5.1.1 in the Zoning By-law; the developer shall construct the access/egress at the narrowest width no less than 18’0”.

Condition # 19 add “or its designated agent” after the word Board in both cases.

Condition # 20 add “if any” after the words “deed rider”.

Condition # 21 shall read: The Andover Housing Partnership Committee may determine that in lieu of one affordable unit at this location compensation to the Andover Housing Trust Fund is a viable option; in such case condition 18 and 19 above do not apply.

Condition # 22 shall read: This Special Permit is subject to Section 9.4.7 of the Andover Zoning By-law, “Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twenty-four months following the filing of the special permit approval (plus such required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve and issue a Special Permit for a Planned Development Multi-family or Mixed Use located at 60-62 Essex Street subject to the 25 conditions in Ms. Schwarz’s memo to the Board dated February 22, 2010 and as amended during the meeting. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 9:59 p.m.